

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA

v.

TERRANCE BOBO, ET AL

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CR. NO. 7:23-cr-00883

GOVERNMENT’S MOTION TO
PRESERVE EVIDENCE

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and respectfully moves the Court for an order directing the United States Customs and Border Protection (CBP) component of the United States Department of Homeland Security to maintain drug evidence.

It has come to the Government’s attention that Customs and Border Protection has a policy regarding the “pretrial destruction of bulk drug evidence,” which directs that, after lab testing, drug evidence over certain threshold amounts set by CBP cannot be stored absent a court order or other limited triggering events, that are not applicable here. If no such order is obtained, the evidence above the set threshold quantities would be destroyed. Title 28, C.F.R. 50.21 is intended to “prevent the warehousing of large quantities of seized contraband drugs which are unnecessary for due process in criminal cases. Such stockpiling of contraband drugs presents inordinate security and storage problems which create additional economic burdens on limited law enforcement resources of the United States.”

In the instant case, quantities above CBP thresholds were seized in a large wire-tap case involving at least four other states. Indeed, search warrants were executed in three states during the initial take down in the investigation, reflective of the complexity of the investigation. All defendants are pretrial and some defendants have not signed plea agreements and could go to trial,

thus, the evidence may be important for the Government at trial. Additionally, the motions period where defendants could contest evidence prior to trial has not elapsed. Thus, there is good cause to order drug evidence above the set threshold quantities to be preserved unless or until CBP receives written authorization from the United States Attorney's Office for the District of South Carolina or further order of the Court.

Respectfully submitted,

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